

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ABC SUPPLY CO., INC.

PLAINTIFF

v.

CIVIL ACTION NO. 3:23CV20-MPM-JMV

**ROOF & NAIL OF MISSISSIPPI, LLC;
JUSTIN HAMLETT; AND KELLY POTTER**

DEFENDANTS

ORDER AND DEFAULT JUDGMENT

Plaintiff ABC Supply Co., Inc. (“Plaintiff” or “ABC”) filed its Verified Complaint [Dkt. No. 1] on February 2, 2023, against Defendants Roof & Nail of Mississippi, LLC, Justin Hamlett and Kelly Potter (“Defendants”), premising jurisdiction and diversity of citizenship. ABC alleges that Defendants signed a credit application with ABC, whereby ABC agreed to sell materials to Defendants on credit, and that Defendants breached its payment obligations under that application. In its Complaint, ABC seeks immediate repayment of the \$148,185.45 principal amount owed by Defendants, pre-judgment and post-judgment interest, and attorney’s fees and expenses.

The Defendants failed to plead or otherwise defend against the Complaint, and the Clerk of Court entered a default against Defendants Mississippi Roof & Nail of Mississippi, LLC and Justin Hamlett on March 2, 2023 [Dkt. Nos. 7 and 8] and against Kelly Potter on April 13, 2023 [Dkt. No. 12]. On June 29, 2023, ABC filed a Motion for Default Judgment [Dkt. No. 14], which is presently before the Court for consideration. In that Motion, ABC requests that the Court enter a judgment against Defendants for the principal amount of \$148,185.45. ABC’s credit application also entitles it to pre-judgment and post-judgment interest at the rate of 18% a year (1.5% a month) that has accrued to \$15,855.74 as of September 5, 2023. In addition, ABC is entitled to its fees and expenses of \$10,822.00 (*see* Exhibit “A,” Declaration in Support of Requested Attorney’s

Fees and Costs), bring the total judgment amount to \$174,863.19. That amount is based on the amount owed at the time the Complaint was filed, the interest, and fees and expenses that have now been added.

It appears that all of the procedural requirements for an entry of default judgment have been met. Accordingly, the Court finds, pursuant to Rule 55 of the Federal Rules of Civil Procedure, that the Motion should be granted, and a default judgment should be entered against Defendants.

The Court hereby enters this DEFAULT JUDGMENT in ABC Supply Co., Inc.'s favor in the amount of \$174,863.19. Further, from the date of entry of this Order, until such time as the Judgment has been satisfied, the Defendants obligations shall continue to increase and accrue in the amount of \$74.09 each day. It is further ordered that the Court shall retain jurisdiction for purposes of modifying and enforcing the Default Judgment as necessary.

SO ORDERED AND ADJUDGED, on this the 6th day of September, 2023.

/s/Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI

Submitted By:

s/D. Sterling Kidd
Attorney for the Plaintiff